

JOHN O'CONNOR  
O'Connor & Associates  
One Embarcadero Center, Suite 1020  
San Francisco, CA 94111  
Telephone: 415-693-9960  
Facsimile: 415-981-0222

BRUCE A. SINGAL  
DAMIEN C. POWELL  
Donoghue, Barrett & Singal, P.C.  
One Beacon Street  
Boston, MA 02108  
Telephone: (617) 720-5090  
Facsimile: (617) 720-5092  
Appearances *Pro Hac Vice*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS  
ADMINISTRATION, as Receiver for  
PROSPERO VENTURES, L.P.,  
Plaintiff(s),  
v.  
JARRAT ENTERPRISES LIMITED  
PARTNERSHIP  
Defendant(s).  
NO. C07-03736-VRW  
STIPULATION TO EXTEND THE  
DEADLINE FOR CONDUCTING A  
MEDIATION AND [PROPOSED] ORDER  
THEREON  
Related Cases:  
C07-03732-VRW; C07-03741- VRW;  
C07-03737- VRW; C07-03738- VRW;  
C07-03739-VRW

This stipulation is entered into by and between the Defendant, JARRAT ENTERPRISES LIMITED PARTNERSHIP, and the Plaintiff, U.S. Small Business Administration, as Receiver for PROSPERO VENTURES, L.P., pursuant to ADR Local Rule 6-5, on the following recitals, terms, and agreements:

## RECITALS

This stipulation is entered into with the following facts taken into consideration:

A. On November 2, 2007, the Plaintiff and Defendant filed a Stipulation and Proposed Order Selecting Mediation.

B. On November 5, 2007, the Court referred the case to mediation. The current deadline for completing the mediation session is February 3, 2008.

C. The above-referenced Defendant and the defendants in the five listed related cases (collectively the "Defendants") are all represented by the same law firms.

D. In order to avoid duplication of efforts and to promote judicial economy, the Plaintiff and the six Defendants agreed to mediate their disputes in one mediation session conducted by the same mediator.

E. On November 21, 2007, Plaintiff's counsel and Defendants' counsel participated in an initial ADR phone conference with ADR Program Staff Attorney Daniel Bowling.

F. On November 29, 2007, the ADR Program appointed James Barber, Esq. to serve as the mediator for the six above-referenced related cases.

G. On December 18, 2007, Plaintiff's counsel and Defendants' counsel participated in a pre-mediation phone conference with Mr. Barber. Defendants' counsel informed Plaintiff's counsel and Mr. Barber that the first available date on which the Defendants and Defendants' counsel are available for a joint mediation session is during the third week in February, 2008. Defendants' counsel explained that two of the Defendants are currently abroad and will not be returning to the United States until February. All Defendants will be present for the mediation.

H. During the phone conference, Plaintiff's counsel and Defendants' counsel agreed to conduct the joint mediation session on February 26, 2008, and, if needed, February 27, 2008, subject to this Court's approval.

I. Mr. Barber is available on February 26, 2008 and February 27, 2008.

J. In order to conserve resources and permit the parties to mediate all six related cases at the same time, the parties request an extension of the deadline for completing the mediation until February 27, 2008.

## **STIPULATION**

With the above facts taken into consideration, the adequacy and sufficiency of which are hereby acknowledged, the parties do hereby stipulate and agree as follows:

1. The deadline for conducting the mediation session shall be extended until February

1 26, 2008.

2 2. This stipulation may be executed in counterparts and a facsimile and/or electronic  
3 signature shall be considered as valid as an original.

4 Dated: January 3, 2008

DONOGHUE, BARRETT & SINGAL, P.C.

5 By:

/s/ Damien C. Powell

Bruce A. Singal  
Damien C. Powell  
Appearance *Pro Hac Vice*

8 Attorneys for Defendant,  
9 JARRAT ENTERPRISES LIMITED  
PARTNERSHIP

10 O'CONNOR & ASSOCIATES

11 John O'Connor  
12 Attorney for Defendant,  
13 JARRAT ENTERPRISES LIMITED  
PARTNERSHIP

14 Dated: January 3, 2008

COLEMAN & HOROWITT, LLP

15 By:

/s/ Darryl J. Horowitz

16 Darryl J. Horowitz  
17 Attorneys for Plaintiff

**[PROPOSED] ORDER**

19 The parties having stipulated, and good cause appearing,

20 IT IS HEREBY ORDERED that:

21 1. The deadline for conducting the mediation session shall be extended until February  
22 27, 2008.

23 2. No further extensions shall be granted absent extraordinary circumstances.

25 Dated: \_\_\_\_\_

26 HONORABLE VAUGHN R. WALKER  
27 U.S. DISTRICT COURT  
28 NORTHERN DISTRICT OF CALIFORNIA

**PROOF OF SERVICE**

I, Damien C. Powell, admitted *pro hac vice* in the United States District Court, Northern District of California, declare:

I am a citizen of the United States of America and a resident of the Commonwealth of Massachusetts. I am over the age of eighteen (18) years. My business address is Donoghue, Barrett & Singal, P.C., 1 Beacon Street, Boston MA 02108. The business address of John O'Connor, Esq., the local counsel to the defendant, is One Embarcadero Center, Suite 1020, San Francisco, California 94111.

On January 3, 2008, I served the foregoing document(s) described as **STIPULATION TO EXTEND THE DEADLINE FOR CONDUCTING A MEDIATION AND [PROPOSED] ORDER THEREON** on the interested parties, at the addresses as stated below.

**Via Electronic Mail:**

**Arlene P. Messinger**  
US Small Business Administration  
409 3rd St SW 7th Flr  
Washington, DC 20416  
202-205-6857

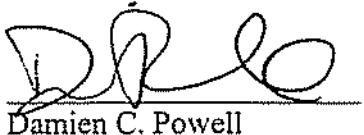
**Christine Jean Levin**  
Coleman & Horowitz, LLP  
499 W. Shaw Avenue  
Ste. 116  
Fresno, CA 93704  
559-248-4820  
Email: clevin@ch-law.com

**Darryl J. Horowitz**  
Coleman & Horowitz, LLP  
Attorneys at Law  
499 West Shaw  
Suite 116  
Fresno, CA 93704  
559-248-4820  
Fax: 559-248-4830  
Email: dhorowitz@ch-law.com

**Via Federal Express Overnight**

Hon. Vaughn R. Walker  
U.S. District Court, Northern District  
450 Golden Gate Avenue  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 3, 2008, in Boston, Massachusetts.



Damien C. Powell